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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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UNITED STATES OF AMERICA, Plaintiff, v. MICHELLE DELUCA Defendant.	CASE NO. 2:12-CR-113-JCM-VCF **UNOPPOSED MOTION TO CONTINUE SENTENCING**

COMES NOW, the United States of America, by and through JEFFREY H. KNOX, Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and THOMAS B.W. HALL, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves to continue the sentencing hearing presently set for May 19, 2014, at the hour of 1:30 pm.

The parties respectfully request this Honorable Court to continue the Sentencing Hearing until at least January 5, 2015 to allow time for the defendant to complete her cooperation in the main HOA case set to go to trial on October 6, 2014.

This is the third request for a continuance of this Sentencing date.

Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following reasons:

1. The defendant has entered a plea agreement with the United States that requires the defendant to cooperate with the United States in connection with its ongoing investigation of a fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to cooperate with the United States in this investigation, which involves a number of potential co-conspirators and targets.

2. The defendant's Plea Agreement affords the defendant potential consideration for downward departures at the time of sentencing if the defendant has provided substantial assistance to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) § 5K1.1 Motion.

3. The United States anticipates future pleas, indictments and the possibility of one or more trials of co-conspirators and targets. These events may allow the defendant the opportunity to provide further cooperation as a witness, including the possibility of testifying at trial. Specifically, trial is set for October 6, 2014 for nine co-defendants in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF (Doc. No. 96.).

4. Counsel for the United States has spoken with counsel for the defendant and counsel has agreed that the requested continuance is in the best interest of justice, and counsel does not oppose the continuance sought herein. The defendant is not in custody.

5. Denial of this request for continuance would deny the parties sufficient time and opportunity to develop the defendant's cooperation against the related co-conspirators and targets and prepare related cases for prosecution.

6. Furthermore, denial of this request for continuance could result in a miscarriage of justice.

7. The United States also requests an order to exclude the additional time requested by this continuance in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

DATED this 5th day of March 2014.

Respectfully submitted,

JEFFREY H. KNOX
Chief, U.S. Department of Justice
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-oOo-

UNITED STATES OF AMERICA, Plaintiff, v. MICHELLE DELUCA Defendant.	)	CASE NO. 2:12-CR-113-JCM-VCF **PROPOSED ORDER**

FINDINGS OF FACT

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing date as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
    a. The defendant agreed in her plea agreements to cooperate against her coconspirators in any related indictments and trials.
    b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.

c. The United States anticipates several additional pleas, indictments and trials in related cases. Specifically, the defendant may be called to testify in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF, set for trial October 6, 2014.

d. The parties need additional time to prepare the defendant's cooperation against other co-conspirators and targets.

e. The defendant does not object to the continuance.

f. The defendant is out of custody.

3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.

4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

ORDER

IT IS THEREFORE ORDERED that the Sentencing date currently set for May 19, 2014, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).

IT IS FURTHER ORDERED that calendar call to determine order of sentencing is scheduled for January 19, 2015, at 9:00 a.m. in courtroom 6A.

DATED March 10, 2014.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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UNITED STATES OF AMERICA, Plaintiff, v. MICHELLE DELUCA Defendant.	)	CASE NO. 2:12-CR-113-JCM-VCF **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: March 5th, 2014

JEFFREY H. KNOX
Chief, U.S. Department of Justice
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section